

**RULES
OF
TENNESSEE BOARD OF FUNERAL
DIRECTORS AND EMBALMERS**

**CHAPTER 0660-6
FUNERAL INDUSTRY PRACTICES**

TABLE OF CONTENTS

0660-6-.01	Unlicensed Assistants	0660-6-.04	Cash Advance Items
0660-6-.02	Federal Trade Commission Rules	0660-6-.05	Violations
0660-6-.03	Records		

0660-6-.01 UNLICENSED ASSIISTANTS.

- (1) An unlicensed assistant may only perform the duties of a funeral director as defined in T.C.A. §62-5-101(3)(A) in accordance with the provisions of T.C.A. §62-5-313.
- (2) For the purpose of this chapter, the phrase “under the direction and supervision of all licensed funeral director” contained in T.C.A. §62-5-313 shall mean that the presence of said licensee is required for the unlicensed assistant to act in the following critical areas.
 - (a) Provision of information regarding, and negotiation of arrangements for, the provision of funeral services and/or merchandise and execution of agreements providing thereof, whether these acts occur before or after death of the named beneficiary, and
 - (b) Coordination and conduct of public post-death rites and ceremonies and/or subsequent final disposition of human remains, regardless of the method of disposition chosen.
- (3) No licensee shall affix or allow to be affixed his/her signature or license number to any contract, agreement, plan, or memorandum regarding provision of funeral services and/or merchandise, whether such document is executed before or after death of the beneficiary named therein, unless said licensee has personally handled all consultation regarding, and consummation of, said agreement, contract, plan or memorandum.
- (4) Any licensee permitting an unlicensed person to negotiate, consummate, execute, or fulfill a contract, agreement, plan, or memorandum, or series thereof, which document provided for delivery of funeral services and/or funeral merchandise, whether such action occurs before or after death of the beneficiary therein named shall be deemed guilty of unprofessional conduct and aiding and abetting an unlicensed person in the practice of funeral directing unless said licensee has been in the presence of both the buyer and the unlicensed assistant throughout the entire process of interaction between the buyer and the unlicensed assistant which culminates in said contract, agreement, plan, memorandum, or series or combination thereof.

Authority: T.C.A. §§62-5-101, 62-5-203 and 62-5-313. **Administrative History:** Original rule filed January 28, 1975; effective April 28, 1975. Repealed and new rule filed June 13, 1980; effective September 29, 1980. Repealed and new rule filed February 20, 1985; effective March 22, 1985. Amendment to rule filed August 30, 1991; effective October 14, 1991.

0660-6-.02 FEDERAL TRADE COMMISSION RULES.

- (1) No funeral director, embalmer, or funeral establishment shall:
 - (a) engage in any unfair or deceptive acts or practices defined in Title 16, *Code of Federal Regulations*, Part 453; or

(Rule 0660-6-.02, continued)

- (b) fail to comply with any preventive requirements specified in Title 16, *Code of Federal Regulations*, Part 453.

Authority: T.C.A. §62-5-203. **Administrative History:** Original rule filed January 28, 1975; effective April 28, 1975. Repealed and new rule filed June 13, 1980; effective September 29, 1980. Repealed and new rule filed February 20, 1985; effective March 22, 1985.

0660-6-.03 RECORDS. All records subject to inspection by Federal Trade Commission officials as provided in 16 CFR §453.6 shall be made available to the Board of Funeral Directors and Embalmers (or its authorized representatives) under the same terms prescribed therein.

Authority: T.C.A. §62-5-203. **Administrative History:** Original rule filed January 28, 1975; effective April 28, 1975. Repealed and new rule filed June 13, 1980; effective September 29, 1980. Repealed and new rule filed February 20, 1985; effective March 22, 1985.

0660-6-.04 CASH ADVANCE ITEMS. The amount charged for any “cash advance item” (as defined in 16 CFR 453.1 (c)) shall not exceed the amount paid for such item by the funeral establishment; except, however, that the establishment shall not be required to pass on to the customer any discount which is openly and regularly made available to the establishment, if such establishment discloses to the customer the fact that it does or may receive such discount.

Authority: T.C.A. §62-5-203. **Administrative History:** Original rule filed January 28, 1975; effective April 28, 1975. Repealed and new rule filed June 13, 1980; effective September 29, 1980. Repealed and new rule filed February 20, 1985; effective March 22, 1985.

0660-6-.05 VIOLATIONS. Any violation of the provisions of this chapter by a funeral director, embalmer, or funeral establishment may constitute grounds for disciplinary action by the Board under T.C.A. §§62-5-317 (a) (4), 62-5-317 (b) (1), and/or 62-5-317 (b) (2).

Authority: T.C.A. §62-5-203. **Administrative History:** Original rule filed January 28, 1975; effective April 28, 1975. Repealed and new rule filed June 13, 1980; effective September 29, 1980. Repealed and new rule filed February 20, 1985; effective March 22, 1985.